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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FOURTH AGE LIMITED, a United Kingdom
corporation; PRISCILLA MARY ANNE REUEL
TOLKIEN, as TRUSTEE OF THE TOLKIEN
TRUST, a United Kingdom Charitable Trust; THE
J.R.R. TOLKIEN ESTATE LIMITED, a United
Kingdom corporation; HARPERCOLLINS
PUBLISHERS, LTD., a United Kingdom corporation;
UNWIN HYMAN LTD., a United Kingdom
corporation; and GEORGE ALLEN & UNWIN
(PUBLISHERS) LTD., a United Kingdom
corporation,

Plaintiffs,

v.

WARNER BROS. DIGITAL DISTRIBUTION, INC.,
a division of WARNER BROS. HOME
ENTERTAINMENT, INC., a Delaware corporation;
WARNER BROS. ENTERTAINMENT, INC., a
Delaware corporation, as successor-in-interest to New
Line Cinema Corp.; WARNER BROS. CONSUMER
PRODUCTS, INC., a Delaware corporation;
WARNER BROS. INTERACTIVE
ENTERTAINMENT, INC., a division of WARNER
BROS. HOME ENTERTAINMENT, INC.; NEW
LINE PRODUCTIONS, INC., a California
corporation; THE SAUL ZAENTZ COMPANY d/b/a
Middle-earth Enterprises, a Delaware corporation; and
DOES 1-10, inclusive,

Defendants.

Case No. CV 12-09912
ABC (SHx)

Hon. Audrey B. Collins

**[PROPOSED] ORDER
RE:**

**COUNTERCLAIM
DEFENDANTS'
SPECIAL MOTION
TO STRIKE THE
WARNER PARTIES'
FIRST AMENDED
COUNTERCLAIM
PURSUANT TO
CALIFORNIA CODE
OF CIVIL
PROCEDURE
SECTION 425.16**

1 AND RELATED COUNTERCLAIMS.

2

3

4 On May 13, 2013, Plaintiffs and Counterclaim Defendants Fourth Age

5 Limited, Priscilla Mary Anne Reuel Tolkien, as Trustee of the Tolkien Trust, The

6 J.R.R. Tolkien Estate Ltd., Harper Collins Publishers, Ltd., Unwin Hyman Ltd. and

7 George Allen & Unwin (Publishers), Ltd. (collectively, the “Tolkien/HC Parties”)

8 brought on for hearing their Special Motion to Strike the First Amended

9 Counterclaim of Defendant and Counterclaimants Warner Bros. Home

10 Entertainment, Inc., Warner Bros. Entertainment, Inc., Warner Bros. Consumer

11 Products, Inc. and New Line Productions, Inc. (collectively, the “Warner Parties”)

12 pursuant to California Code of Civil Procedure §425.16. The appearances were as

13 reflected in the record.

14 The Court, having considered the papers filed in support of, and in opposition

15 to, the Motion, and the arguments of counsel, rules as follows.

- 16 1. The Tolkien/HC Parties’ motion is granted without leave to amend;
- 17 2. The Warner Parties’ first counterclaim for breach of contract is
- 18 dismissed with prejudice and the Tolkien/HC Parties shall be entitled to their
- 19 attorneys’ fees in an amount to be determined pursuant to a later motion.
- 20

21 IT IS SO ORDERED.

22 DATED: _____, 2013

23 _____
Honorable Audrey B. Collins
United States District Judge

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1 Respectfully submitted by

2 DATED: March 28, 2013

3 GREENBERG GLUSKER FIELDS
4 CLAMAN & MACHTINGER LLP

5 By: /s. Bonnie E. Eskenazi
6 BONNIE E. ESKENAZI (SBN 119401)

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